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FAX COVER SHEET

Date: May 23, 2005

Number of Pages: Cover sheet plus 14 page(s)

To: Examiner LoAn Thanh

Company: U.S.P.T.O.

Your Reference: Serial No. 10/045,550

Fax Number: 703-872-9306

From: John V. Daniluck (jdanieluck@uspatent.com)

Our Reference: 3413-13

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OPE/JC/JS

Comments: Enclosed with this fax transmission are the following documents:

- Fee Transmittal (SB/17)
- Credit Card Payment Form
- Petition for Extension of Time (SB/22)
- Response to Restriction Requirement (11 pages)

CONFIRMATION OF RECEIPT REQUESTED IF CHECKED: ☐

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3413-13:JVD:341367 WEMMH/5B/17 (12/04)

OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
FOR FY 2005**

Effective 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act (H.R. 4818).

☐ Applicant claims small entity status. See 37 CFR 1.27Total Amount of Payment (\$)**1535****Complete if Known**

Application Number	10/045,550
Filing Date	October 26, 2001
First Named Inventor	Eldon H. Nyhart, Jr.
Group Art Unit	3763
Examiner Name	LoAn H. Thanh
Attorney Docket Number	

METHOD OF PAYMENT (check all that apply)
☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None ☐ Other (please identify):

☐ Deposit Account: Deposit Account Number **23-3030** Deposit Account Name **Woodard, Emhardt, Moriarty, McNett & Henry LLP**

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments ☒ Charge any additional fee(s) during the pendency of this application, excluding the payment of issue fees

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
FEE CALCULATION:**1. BASIC FILING, SEARCH AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	180	80	
Reissue	300	150	600	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	Fee (\$)	Small Entity Fee (\$)
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	50	25
Multiple dependent claims	200	100
	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
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59	-20 or HP =	26	x	\$25	=	825
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(HP = highest number of total claims paid for, if greater than 20)	
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Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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6	-4 or HP =	2	x	\$100	=	200
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(HP = highest number of independent claims paid for, if greater than 3)	
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3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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	/ 50 =		(round up to a whole number) x		=	
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4. OTHER FEE(S)	Fee Paid (\$)
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Non-English Specification. \$130 fee (no small entity discount)

Other: 3 month extension of time (\$510)

SUBMITTED BY:

Name (Print/Type):	John V. Daniluck	Registration No.: (Attorney/Agent)	40,681	Telephone:	(317)634-3456
Signature:			Date:	23 MAY 2005	

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being directed to the Commissioner of Patents via facsimile to the Examiner of record at 703-872-9326 on May 23, 2005.

Name (Print/Type)	John V. Daniluck	Date	23 MAY 2005
Signature			

3413-13:JVD:329907

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Eldon H. Nyhart, Jr.

Serial No.: 10/045,550

Filed: October 26, 2001

MANUFACTURING METHODS FOR AN APPARATUS
FOR THE CONTROLLABLE MODIFICATION OF
COMPOUND CONCENTRATION IN A TUBE

Before the Examiner

LoAn H. Thanh

Group Art Unit 3763

May 23, 2005

RESPONSE TO RESTRICTION REQUIREMENT
AND AMENDMENT TO THE CLAIMSCommissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Election/Restriction Requirement mailed January 21, 2005, please consider the following remarks. A three-month extension of time to and including May 21, 2005 is enclosed. The Commissioner is authorized to charge \$1535 to the credit card listed on the enclosed Credit Card Payment Form for the extension of time fee (\$510); the fee for 33 additional total claims (\$825); and the fee for 2 additional independent claims (\$200). No additional fees are believed to be due; however if any other fees are deemed necessary, please charge said fees to Deposit Account No. 23-3030, but not to include the payment of any issue fee.

05/24/2005 HVUONG1 00000034 10045550

01 FC:2201 200.00 OP
02 FC:2202 825.00 OP

RESPONSE TO RESTRICTION REQUIREMENT

Serial No. 10/045,550

Attorney Docket No. 3413-13

Page 1 of 11

I hereby certify that this correspondence is being directed to the Commissioner of Patents via facsimile to the Examiner of record at 703-872-9326 on May 23, 2005.

JOHN V. DANILUCK
Name of Registered Representative

Signature

23 MAY 2005

Date of Signature